IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 1:09cv329

| FREDA GOLDSTEIN and ISREAL) | |
|------------------------------|-------|
| GOLDSTEIN, et al., | |
| Plaintiffs,) | |
|) | |
| vs. | ORDER |
|) | |
| BANK OF AMERICA, N.A., | |
| Defendant. | |
|) | |

THIS MATTER is before the court upon the Memorandum and Recommendation of United States Magistrate Dennis L. Howell, filed January 19, 2010. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72 of the Federal Rules of Civil Procedure, written objections to the Memorandum and Recommendation must be filed within 14 days after service of the same. Plaintiffs filed their objection on February 23, 2010, well outside the fourteen day deadline. Accordingly, Plaintiffs have waived their right to a *de novo* review.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to grant Defendant's Motion to Dismiss is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are affirmed.

IT IS THEREFORE ORDERED that the Memorandum and Recommendation of the magistrate is hereby AFFIRMED.

Signed: March 24, 2010

Graham C. Mullen

United States District Judge